

1 AMIT AGARWAL (CA State Bar No. 294269)
2 ama7386@gmail.com
3 *Pro bono* counsel
4 P.O. Box 18861
5 Tampa, FL 33679
6 Telephone: (818) 792-0030
7
8 Attorney for Defendant
9 WOLV, INC.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KATE SPADE LLC,

10 Plaintiff,

11 vs.

12 WOLV INC.,

13 Defendant.

14 Case No. 2:22-cv-04392-FMO-JEM

15
16
17
18
19
20
21
22
23
24
25
26
27
28

**DEFENDANT WOLV INC.'S
OPPOSITION TO KATE SPADE'S
APPLICATION FOR
CONTINUANCE OF TRIAL DATE**

Date: September 21, 2023
Time: 10:00 a.m.
Dept.: Courtroom 6D

Assigned to the Hon. Fernando M. Olguin

Action Filed: June 27, 2022
Trial Date: October 16, 2023

1 Wolv filed this trademark application in November 2017. It has been almost
 2 six years. Wolv's business is on hold. Thus, delaying the bench trial would
 3 prejudice Wolv. Also, Kate Spade has known of this Court's case schedule for
 4 almost a year. ECF No. 28. In that order, the Court established the quick turnaround
 5 between MSJ filing and the bench trial. This specific situation, *i.e.*, a pending MSJ
 6 and a looming bench trial, was easily foreseeable. Kate Spade was not diligent. It
 7 could have filed a motion to amend the case schedule at any time over the last year.
 8 It has chosen to wait until weeks before the bench trial. Thus, Wolv disagrees that
 9 Kate Spade has been diligent in seeking the relief it now seeks.

10 Wolv is opposed to the specific form of relief that Kate Spade seeks, *i.e.*, a
 11 delay of the bench trial. The undersigned disputes footnote 1 of the memorandum in
 12 support of Kate Spade's application. That said, if the Court has already reached a
 13 decision on Kate Spade's MSJ and is only needing more time to draft a written
 14 opinion, it would benefit both parties if the Court could issue a minute order
 15 revealing how it plans on ruling on the motion. For example, if the Court has
 16 decided to grant Kate Spade's motion, then knowing that information would save
 17 both parties significant time and resources.

18 DATED: August 25, 2023

AMIT AGARWAL

20 By: /s/ Amit Agarwal
 Amit Agarwal

21 AMIT AGARWAL
 22 CA State Bar No. 294269
 23 ama7386@gmail.com
 24 *Pro bono* counsel
 25 P.O. Box 18861
 26 Tampa, FL 33679
 27 Telephone: (818) 792-0030
 28 Attorney for Defendant
 WOLV, INC.